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SJS7042

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

MARK KLEINERMAN,

Plaintiff,

v.

ELAINE CHAO, SECRETARY, UNITED
STATES DEPARTMENT OF LABOR, IN
HER OFFICIAL CAPACITY, TEAMSTERS
LOCAL NO. 97, JOHN J. GEROW, IN
HIS OFFICIAL CAPACITY AS PRESIDENT
OF DEFENDANT LOCAL 97,
INTERNATIONAL BROTHERHOOD
OF TEAMSTERS AFL-CIO, JAMES
O. HOFFA, IN HIS OFFICIAL CAPACITY
AS GENERAL PRESIDENT OF
DEFENDANT INTERNATIONAL
BROTHERHOOD OF TEAMSTERS AFL-
CIO,

Defendants.

HON. HAROLD A. ACKERMAN

Civil Action No. 05-2699

NOTICE OF MOTION

To: John D. Feeley, Esq.
La Rocca, Feeley, Smith & Rosellini, P.C.
76 South Orange Avenue, Suite 211
South Orange, New Jersey 07079

Joshua I. Savitz, Esq.
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One Riverfront Plaza, 3rd Floor
Newark, New Jersey 07102

PLEASE TAKE NOTICE, that on November 20, 2006, at 10:00 AM, or as soon thereafter as counsel may be heard, CHRISTOPHER J. CHRISTIE, United States Attorney for the District of New Jersey (SUSAN J. STEELE, Assistant U.S. Attorney, Chief, Civil Division, appearing), as attorney for Elaine Chao, United States Department of Labor, in her official capacity, will apply to this court for an Order of dismissal pursuant to Rule 12(b)(6). Fed.R.Civ.P.

In support of this motion, the Court is respectfully referred to the attached Brief, and requests that this motion be decided on the papers submitted, without oral argument, pursuant to Rule 78, Federal Rules of Civil Procedure.

CHRISTOPHER J. CHRISTIE
United States Attorney

s/Susan J. Steele

By: _____

SUSAN J. STEELE
Assistant U.S. Attorney
Chief, Civil Division